IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

MFA.No. 880 of 1998(B)
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IC.48/1995 of EMPLOYEES INSURANCE COURT, ALAPPUZHA
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APPELLANT/OPPOSITE PARTY:
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THE REGIONAL DIFRECTOR,
E.S.I. CORPORATION, THRISSUR.

BY ADV. SRI.P.SANKARANKUTTY NAIR

RESPONDENT/APPLICANT:
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K.R.MURALEEDHARAN, KUNNUPURATHU VELI,
CHARAMANGALAM, MUHAMMA P.O.

BY ADV. SRI.V.GIRI

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R.RAMAN & ANTONY DOMINIC,JJ.**

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**M.F.A.NO.880 OF 1998**

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**Dated this the 29th day of March, 2007**

**JUDGMENT**

**Raman,J.**

This is an appeal filed by the Regional Director, E.S.I. Corporation, Thrissur, impugning the judgment dated 28/7/1997 in I.C.No.48/95 on the file of the Employees' Insurance Court, Alappuzha. The respondent herein filed an application before the Employees' Insurance Court challenging the recovery notice (Ext.P2) dated 27/10/1994 which was issued to him by the appellant herein. The main contention raised in this case was that the applicant's establishment does not have the minimum strength required for coverage. After evaluating the evidence on record, the Insurance Court held that in the absence of any counter evidence to show that there were 29 or more employees in the applicant's establishment during the year 1985-86, the case put up by the applicant cannot be disbelieved. It was in the circumstances that the case of the applicant was accepted and the application was allowed.

2. The learned counsel for the appellant contended that the plea regarding limitation raised in the written statement was not considered by

the Insurance Court. There is nothing on record to show that any such plea was raised at the time of arguing the matter before the Insurance Court. At any rate, Ext.P2 was issued only in 1994 and the respondent had challenged the same by filing I.C.No.48/95 in 1985.

3. In the above circumstances, we do not find any question of law much less any substantial question of law arises for consideration out of the order passed by the Insurance Court.

Appeal is dismissed.

**P.R.RAMAN,**
**Judge.**

**ANTONY DOMINIC,**
**Judge.**

kcv.

**P.R.RAMAN, J.**

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**M.F.A.NO.880 OF 1998**

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**JUDGMENT**

**29th March, 2007**